

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONICA DUKU

vs

**EDWARD OSTROM, Executor of the
Estate of JAMES CROSSMORE**

:
:
:
:
:
:
:
:

Civil Action No. 02-3809

ORDER

AND NOW, this _____ day of _____, 2003, it is hereby ORDERED and DECREED that Plaintiff, Monica Duku, is compelled to comply with her duty of disclosure pursuant to FRCVP 26(a) within twenty (20) days of the date hereof or suffer the imposition of sanctions upon further application to the Court.

It is further ORDERED and DECREED that Plaintiff, Monica Duku, is compelled to answer Defendant, Edward Ostrom's Interrogatories and Request for Production of Documents within twenty (20) days of the date hereof or suffer the imposition of sanctions upon further application to the Court. [All documents produced or withheld are to be numbered consecutively beginning with the number "1".]

BY THE COURT:

J.

Arbitration Date: April 16, 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONICA DUKU

vs

**EDWARD OSTROM, Executor of the
Estate of JAMES CROSSMORE**

:
:
:
:
:
:
:
:

Civil Action No. 02-3809

MOTION TO COMPEL DISCOVERY

Defendant, Edward Ostrom, moves this Honorable Court, by and through his attorneys, Goldberg, Miller & Rubin, P.C., to compel plaintiff, Monica Duku, to comply with her duty of disclosure pursuant to FRCVP 26(a) and to specifically answer Defendant's Interrogatories and Request for Production of Documents as follows:

1. On or about September 27, 2002, the plaintiff served her Complaint on defendant, Edward Ostrom, Executor of the Estate of James Crossmore.
2. The plaintiff has yet to comply with her duty of disclosure pursuant to FRCVP 26(a).
3. In addition, on or about December 31, 2002, the defendant forwarded formal discovery requests to the plaintiff. See Exhibit "A."
4. On or about January 31, 2003, defense counsel inquired as to the status of said discovery. See Exhibit "B."
5. To date, the plaintiff has failed to comply with her duty of disclosure pursuant to FRCVP 26(a) or to answer defendant's formal discovery requests.
6. Defendant is unable to adequately prepare for arbitration until such time as the

plaintiff complies with her duty of disclosure pursuant to FRCVP 26(a) or appropriately responds to the defendant's formal discovery requests.

WHEREFORE, defendant, Edward Ostrom, respectfully requests this Honorable Court to enter the proposed Order, as attached, directing the plaintiff, Monica Duku, to comply with her duty of disclosure pursuant to FRCVP 26(a) and to answer defendant's formal discovery requests.

Respectfully submitted,

GOLDBERG, MILLER & RUBIN, P.C.

BY: _____

CY GOLDBERG, ESQUIRE
I.D. 35369
Attorney for Defendant
121 S. Broad Street
15th Floor
Philadelphia, PA 19107
215-735-3994

DATED: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONICA DUKU

vs

**EDWARD OSTROM, Executor of the
Estate of JAMES CROSSMORE**

:
:
:
:
:
:
:
:

Civil Action No. 02-3809

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT'S MOTION TO COMPEL DISCOVERY**

Defendant, Edward Ostrom, hereby references his Motion to Compel Discovery as
though
fully set forth herein.

Respectfully submitted,

GOLDBERG, MILLER & RUBIN, P.C.

BY:

CY GOLDBERG, ESQUIRE
I.D. 35369
Attorney for Defendant
121 S. Broad Street
15th Floor
Philadelphia, PA 19107
215-735-3994

DATED: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONICA DUKU

vs

**EDWARD OSTROM, Executor of the
Estate of JAMES CROSSMORE**

:
:
:
:
:
:
:
:

Civil Action No. 02-3809

CERTIFICATION OF SERVICE

I, Cy Goldberg, Esquire, do hereby certify that service of a true and correct copy of the within **Motion to Compel** has been sent to the following by United States Mail, postage pre-paid:

Frederick I. Weinberg, Esquire
21 S. 21st Street
Philadelphia, PA 19103

BY: _____

CY GOLDBERG, ESQUIRE
Attorney for Defendant

DATED: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONICA DUKU

vs

**EDWARD OSTROM, Executor of the
Estate of JAMES CROSSMORE**

:
:
:
:
:
:
:
:

Civil Action No. 02-3809

CERTIFICATION OF GOOD FAITH

The undersigned counsel for defendant certifies and attests that he has in good faith attempted to confer with plaintiff's counsel in an effort to secure the disclosure and discovery in question without court action. See Exhibit "B."

CERTIFIED TO THE COURT BY:

Dated:_____

CY GOLDBERG, ESQUIRE
Attorney for Defendant